



GOV. MSG. NO. 1408

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB2686 HD1 SD1 CD1

RELATING TO CIVIL LIABILITY.  
**Act 291 (12)**

*Aloha*  
*Sincerely,*  
*Neil Abercrombie*

NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor  
JUL 9 2012  
on \_\_\_\_\_

ORIGINAL

ACT 291

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

H.B. NO. 2686  
H.D. 1  
S.D. 1  
C.D. 1

## A BILL FOR AN ACT

RELATING TO CIVIL LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4 "§663- Exemption for providing emergency access to land,  
5 shelter, and subsistence during a disaster. (a) Any owner of  
6 private property who in good faith provides emergency access to  
7 land, shelter, or subsistence, including food and water, to a  
8 person during a disaster without remuneration or expectation of  
9 remuneration, shall be exempt from civil liability for any  
10 injury or damage suffered by the person that resulted from the  
11 owner providing such emergency access to land, shelter, or  
12 subsistence, unless the injury or damage was caused by the gross  
13 negligence or intentional or wanton acts or omissions of the  
14 owner.

15 (b) For the purposes of this section:

16 "Disaster" means a nonroutine event that exceeds the  
17 capacity of persons in the affected area to respond to it in  
18 such a way as to save lives, preserve property, or to maintain



1 the social, ecological, economic, or political stability of the  
2 affected area.

3 "Emergency" means a situation in which the life or health  
4 of a person is in jeopardy due to a disaster requiring immediate  
5 assistance.

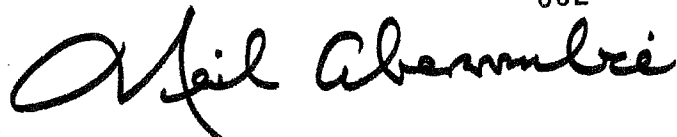
6 "Owner" means the possessor of a fee interest, or a tenant,  
7 lessee, occupant, person, group, club, partnership, family,  
8 organization, entity, or corporation that has control,  
9 possession, or use of the land, and its members, agents,  
10 partners, representatives, shareholders, and employees."

11 SECTION 2. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 9 day of JUL, 2012



GOVERNOR OF THE STATE OF HAWAII

